



Rep. Natalie A. Manley

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LRB099 09962 AWJ 33399 a

1 AMENDMENT TO HOUSE BILL 4047

2 AMENDMENT NO. _____. Amend House Bill 4047 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-44010, 5-44020, 5-44025, 5-44030, and 5-44040 and by
6 adding Section 5-44026 as follows:

7 (55 ILCS 5/5-44010)

8 Sec. 5-44010. Applicability. The powers and authorities
9 provided by this Division 5-44 apply only to counties with a
10 population of more than 650,000 ~~900,000~~ and less than 3,000,000
11 that are contiguous to a county with a population of more than
12 3,000,000 and units of local government within such counties.

13 (Source: P.A. 98-126, eff. 8-2-13.)

14 (55 ILCS 5/5-44020)

15 Sec. 5-44020. Definitions. In this Division 5-44:

1 ~~"Fire protection jurisdiction" means a fire protection~~
2 ~~district, municipal fire department, or service organized~~
3 ~~under Section 5-1056.1 of the Counties Code, Sections 195 and~~
4 ~~200 of the Township Code, Section 10-2.1 of the Illinois~~
5 ~~Municipal Code, or the Illinois Fire Protection District Act.~~

6 "Governing board" means the individual or individuals who
7 constitute the corporate authorities of a unit of local
8 government.

9 "Unit of local government" or "unit" means any unit of
10 local government located entirely within one county, to which
11 the county board chairman or county executive directly appoints
12 a majority of its governing board with the advice and consent
13 of the county board, but shall not include a fire protection
14 district ~~that directly employs any regular full time employees~~
15 or a special district organized under the Water Commission Act
16 of 1985.

17 (Source: P.A. 98-126, eff. 8-2-13; 98-756, eff. 7-16-14.)

18 (55 ILCS 5/5-44025)

19 Sec. 5-44025. Dissolution of units of local government by
20 ordinance.

21 (a) A county board may, by ordinance, propose the
22 dissolution of a unit of local government. The ordinance shall
23 detail the purpose and cost savings to be achieved by such
24 dissolution, and be published in a newspaper of general
25 circulation served by the unit of local government and on the

1 county's website, if applicable.

2 (b) Upon the effective date of an ordinance enacted
3 pursuant to subsection (a) of this Section, the chairman of the
4 county board shall cause an audit of all claims against the
5 unit, all receipts of the unit, the inventory of all real and
6 personal property owned by the unit or under its control or
7 management, and any debts owed by the unit. The chairman may,
8 at his or her discretion, undertake any other audit or
9 financial review of the affairs of the unit. The person or
10 entity conducting such audit shall report the findings of the
11 audit to the county board and to the chairman of the county
12 board within 30 days.

13 (c) Following the return of the audit report required by
14 subsection (b) of this Section, the county board may adopt an
15 ordinance dissolving the unit 150 days following the effective
16 date of the ordinance. Upon adoption of the ordinance, but not
17 before the end of the 30-day period set forth in subsection (e)
18 of this Section and prior to its effective date, the chairman
19 of the county board shall petition the circuit court for an
20 order designating a trustee-in-dissolution for the unit,
21 immediately terminating the terms of the members of the
22 governing board of the unit of local government on the
23 effective date of the ordinance, and providing for the
24 compensation of the trustee, which shall be paid from the
25 corporate funds of the unit.

26 (d) Upon the effective date of an ordinance enacted under

1 subsection (c) of this Section, and notwithstanding any other
2 provision of law, the State's attorney, or his or her designee,
3 shall become the exclusive legal representative of the
4 dissolving unit of local government. The county treasurer shall
5 become the treasurer of the unit of local government and the
6 county clerk shall become the secretary of the unit of local
7 government.

8 (e) Any dissolution of a unit of local government proposed
9 pursuant to this Act shall be subject to a backdoor referendum.
10 In addition to, or as part of, the authorizing ordinance
11 enacted pursuant to subsection (c) of this Section, a notice
12 shall be published that includes: (1) the specific number of
13 voters required to sign a petition requesting that the question
14 of dissolution be submitted to referendum; (2) the time when
15 such petition must be filed; (3) the date of the prospective
16 referendum; and (4) the statement of the cost savings and the
17 purpose or basis for the dissolution as set forth in the
18 authorizing ordinance under subsection (a) of this Section. The
19 county's election authority shall provide a petition form to
20 anyone requesting one. If no petition is filed with the
21 county's election authority within 30 days of publication of
22 the authorizing ordinance and notice, the ordinance shall
23 become effective.

24 However, the election authority shall certify the question
25 for submission at the next election held in accordance with
26 general election law if a petition: (1) is filed within the

1 30-day period; (2) is signed by electors numbering either 7.5%
2 of the registered voters in the governmental unit or 200
3 registered voters, whichever is less; and (3) asks that the
4 question of dissolution be submitted to referendum.

5 The election authority shall submit the question to voters
6 residing in the area served by the unit of local government in
7 substantially the following form:

8 Shall the county board be authorized to dissolve [name
9 of unit of local government]?

10 The election authority shall record the votes as "Yes" or
11 "No".

12 If a majority of the votes cast on the question at such
13 election are in favor of dissolution of the unit of local
14 government and provided that notice of the referendum was
15 provided as set forth in Section 12-5 of the Election Code, the
16 county board is authorized to proceed pursuant to subsection
17 (c) of this Section.

18 (Source: P.A. 98-126, eff. 8-2-13.)

19 (55 ILCS 5/5-44026 new)

20 Sec. 5-44026. Dissolution of units of local government by
21 referendum.

22 (a) A county board may propose the dissolution of a unit of
23 local government. The proposal shall detail the purpose and
24 cost savings to be achieved by such dissolution, and be
25 published in a newspaper of general circulation served by the

1 unit of local government and on the county's website, if
2 applicable. The notice shall also include information
3 concerning the specific number of voters required to sign a
4 petition requesting that the question of dissolution be
5 submitted to referendum that must occur before any dissolution
6 takes place.

7 (b) Any dissolution of a unit of local government proposed
8 pursuant to this Act shall be subject to a referendum. The
9 election authority shall certify the question for submission at
10 the next election held in accordance with general election law
11 if a petition: (1) is signed by electors numbering either 7.5%
12 of the registered voters in the governmental unit or 200
13 registered voters, whichever is less; and (2) asks that the
14 question of dissolution be submitted to referendum.

15 The election authority shall submit the question to voters
16 residing in the area served by the unit of local government in
17 substantially the following form:

18 Shall the county board be authorized to dissolve [name
19 of unit of local government]?

20 The election authority shall record the votes as "Yes" or
21 "No".

22 If a majority of the votes cast on the question at such
23 election are in favor of dissolution of the unit of local
24 government and provided that notice of the referendum was
25 provided as set forth in Section 12-5 of the Election Code, the
26 county board is authorized to proceed pursuant to subsection

1 (c) of this Section.

2 (c) Upon the adoption of a referendum enacted pursuant to
3 subsection (b) of this Section, the chairman of the county
4 board shall cause an audit of all claims against the unit, all
5 receipts of the unit, the inventory of all real and personal
6 property owned by the unit or under its control or management,
7 and any debts owed by the unit. The chairman may, at his or her
8 discretion, undertake any other audit or financial review of
9 the affairs of the unit. The person or entity conducting such
10 audit shall report the findings of the audit to the county
11 board and to the chairman of the county board within 30 days.

12 (d) Following the return of the audit report required by
13 subsection (c) of this Section, the county board shall adopt an
14 ordinance dissolving the unit 150 days following the adoption
15 of the referendum. Upon adoption of the ordinance, the chairman
16 of the county board shall petition the circuit court for an
17 order designating a trustee-in-dissolution for the unit,
18 immediately terminating the terms of the members of the
19 governing board of the unit of local government on the
20 effective date of the ordinance, and providing for the
21 compensation of the trustee, which shall be paid from the
22 corporate funds of the unit.

23 (e) Upon the effective date of an ordinance enacted under
24 subsection (d) of this Section, and notwithstanding any other
25 provision of law, the State's attorney, or his or her designee,
26 shall become the exclusive legal representative of the

1 dissolving unit of local government. The county treasurer shall
2 become the treasurer of the unit of local government and the
3 county clerk shall become the secretary of the unit of local
4 government.

5 (55 ILCS 5/5-44030)

6 Sec. 5-44030. Trustee-in-dissolution; powers and duties.

7 ~~(a)~~ The trustee-in-dissolution shall have the following powers
8 and duties:

9 (1) to execute all of the powers and duties of the
10 previous board;

11 (2) to levy and rebate taxes, subject to the approval
12 of the county board, for the purpose of paying the debts,
13 obligations, and liabilities of the unit that are
14 outstanding on the date of the dissolution and the
15 necessary expenses of closing up the affairs of the
16 district if these funds are not available from the unit of
17 local government's general fund;

18 (3) to present, within 30 days of his or her
19 appointment, a plan for the consolidation and dissolution
20 of the unit of local government to the county board for its
21 approval. The plan shall identify what functions, if any,
22 of the unit of local government shall be undertaken by the
23 county upon dissolution and whether any taxes previously
24 levied for the provision of these functions shall be
25 maintained;

1 (4) to enter into an intergovernmental agreement with
2 one or more governmental entities to utilize existing
3 resources including, but not limited to, labor, materials,
4 and property, as may be needed to carry out the foregoing
5 duties;

6 (5) to enter into an intergovernmental agreement with
7 the county to combine or transfer any of the powers,
8 privileges, functions, or authority of the unit of local
9 government to the county as may be required to facilitate
10 the transition; and

11 (6) to sell the property of the unit and, in case any
12 excess remains after all liabilities of the unit are paid,
13 the excess shall be transferred to a special fund created
14 and maintained by the county treasurer to be expended
15 solely to defer the costs incurred by the county in
16 performing the duties of the unit, subject to the
17 requirements of Section 5-44035 of this Division. Nothing
18 in this Section shall prohibit the county from acquiring
19 any or all real or personal property of the district.

20 ~~(b) For fire protection jurisdictions, the~~
21 ~~trustee in dissolution shall not have:~~

22 ~~(1) the powers enumerated in this Section unless the~~
23 ~~dissolution of that unit of local government shall not~~
24 ~~increase the average response times nor decrease the level~~
25 ~~of services provided; and~~

26 ~~(2) the power to decrease the levy that is in effect on~~

1 ~~or before the date of dissolution of the fire protection~~
2 ~~jurisdiction that affects the provision of fire and~~
3 ~~emergency medical services.~~

4 (Source: P.A. 98-126, eff. 8-2-13.)

5 (55 ILCS 5/5-44040)

6 Sec. 5-44040. Effect of dissolution. Immediately upon the
7 dissolution of a unit of local government pursuant to this
8 Division:

9 (a) Notwithstanding the provisions of the Special Service
10 Area Tax Law of the Property Tax Code that pertain to the
11 establishment of special service areas, all or part of the
12 territory formerly served by the dissolved unit of local
13 government may be established as a special service area or
14 areas of the county if the county board by resolution
15 determines that this designation is necessary for it to provide
16 services. The special service area, if created, shall include
17 all territory formerly served by the dissolved unit of local
18 government if the dissolved unit has outstanding indebtedness.
19 If the boundaries of a special service area created under this
20 subsection include territory within a municipality, the
21 corporate authorities of that municipality may, with the
22 consent of the county, assume responsibility for the special
23 service area and become its governing body.

24 ~~All or part of the territory formerly served by a dissolved~~
25 ~~fire protection jurisdiction shall not be established as a~~

1 ~~special service area unless the creation of the special service~~
2 ~~area does not increase the average response times nor decrease~~
3 ~~the level of service provided.~~

4 (b) In addition to any other powers provided by law, the
5 governing body of a special service area created pursuant to
6 this subsection shall assume and is authorized to exercise all
7 the powers and duties of the dissolved unit with respect to the
8 special service area. The governing body is also authorized to
9 continue to levy any tax previously imposed by the unit of
10 local government within the special service area. ~~However, the~~
11 ~~governing board shall not have the power to decrease the levy~~
12 ~~that is in effect on or before the date of dissolution of the~~
13 ~~fire protection jurisdiction that affects the provision of fire~~
14 ~~and emergency medical services.~~

15 (c) Subsequent increases of the current tax levy within the
16 special service area or areas shall be made in accordance with
17 the provisions of the Special Service Area Tax Law of the
18 Property Tax Code.

19 (Source: P.A. 98-126, eff. 8-2-13.)".